

Subsection (b) of this section is standard language added to meet fundamental requirements of fairness and to conform to Administration practice. The introductory language, "except as otherwise provided in the Administrative Procedure Act," clarifies that the Administration may take action summarily against a person under certain circumstances. See Article 41, § 250A(c) of the Code.

In subsection (a) of this section, the phrase "deny a license to any applicant" is substituted for "refuse to issue licenses to facilities", for clarity.

Defined terms: "Administration" § 7-101  
 "License" § 7-401

7-411. ADMINISTRATIVE AND JUDICIAL REVIEW.

ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE DIRECTOR IN A CONTESTED CASE, AS DEFINED IN THE ADMINISTRATIVE PROCEDURE ACT, MAY:

(1) APPEAL THAT DECISION TO THE BOARD OF REVIEW OF THE DEPARTMENT; AND

(2) TAKE ANY FURTHER APPEAL ALLOWED BY THE ADMINISTRATIVE PROCEDURE ACT TO THE CIRCUIT COURT FOR THE COUNTY WHERE THE PRIVATE FACILITY IS LOCATED OR PLANNED.

REVISOR'S NOTE: This section is new language derived without substantive change from the first, second, and fourth sentences of former Article 59A, § 22(b).

In the introductory clause of this section, reference to a "contested case" is substituted for specific references to actions of the Director, to conform to the Administrative Procedure Act, which provides a right of judicial review of an agency decision in a "contested case".

In item (2) of this section, the former reference to the "Baltimore City Court" is deleted as unnecessary.

The third sentence of former Article 59A, § 22(b), which provided for appeals to the Court of Special Appeals, is deleted as unnecessary because the Administrative Procedure Act provides for these appeals.

Defined terms: "County" § 1-101